IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.7489 of 1999

M.Palani .. Petitioner.

Versus

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai-3.

2. The Superintending Engineer,
Billing Department,
Corporation of Chennai, Ripon Building,
Chennai-3. .. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order Ka.Tu.Na.Ka. Pa/5832/99, dated 23.3.99, passed by the 2nd respondent and quash the same and direct the respondents to allot the cancelled contract work to the petitioner.

For Petitioner : Mr.K.P.Gopalakrishnan

For Respondents : Mr.G.T.Subramanian

O R D E R

Heard Mr.K.P.Gopalakrishnan, the learned counsel appearing on behalf of the petitioner and Mr.G.T.Subramanian, the learned counsel appearing for the respondents.

2. It is submitted that the petitioner, who was in the panel of contractors of Chennai Corporation was awarded with a contract, on 22.2.1998, for changing the roof in the first floor for Corporation Primary School, C.I.T.Nagar, Chennai, in Ward No.137, Zone.9. The contract work was to be completed on or before 22.11.1998. However, the petitioner had completed only 50% of the work due to the non-payment of money and non-supply of materials by the respondents. Though the petitioner had sought for further time to carry out the work, the second respondent had not given any reply and instead, cancelled the contract by his impugned order, dated 23.3.99. Therefore, the petitioner has filed the present writ petition, invoking the writ jurisdiction of this Court, under Article 226 of the Constitution of India.

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3. The main contention of the learned counsel appearing for the petitioner is that the impugned order has been passed by the second respondent, without giving him an opportunity of hearing.

4. At the stage of hearing of the writ petition, the learned counsel appearing on behalf of the respondents had submitted that the contract in question had been completed in the year 1996 itself.

5. The learned counsel appearing on behalf of the petitioner had not controverted the submissions made by the learned counsel appearing for the respondents. However, the learned counsel appearing for the petitioner had submitted that the petitioner may be permitted to make a representation to the second respondent with regard to the amount due to the petitioner, if any, and on such representation being made, the second respondent may be directed to pass appropriate orders thereon, within a specified period.

6. In view of the above, it is made clear that it is open to the petitioner to make a representation to the second respondent with regard to his grievance, if any, and on such representation being made, the second respondent is expected to pass appropriate orders thereon, on merits and in accordance with law, expeditiously.

The writ petition is disposed of with the above observations. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai-3.

2. The Superintending Engineer,
Billing Department,
Corporation of Chennai, Ripon Building,
Chennai-3.

+ 1 CC To Mr. G.T.Subramanian, Advocate SR NO.70334

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